IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 25377 of 2007(S)

PETITIONER:

SWATHANTHRA KARSHAKA SAMRAKSHANA SAMITHI
REP. BY ITS PRESIDENT JOSEPH FENCER,
AGED 67 YEARS, S/O.THOMAS,
IRUVELLIKUNNEL HOUSE,
KALKANDI P.O.,
MANNARKADU.

BY ADV. SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY ITS FINANCE SECRETARY,
SECRETARIATE,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
PALAKKAD.

3. THASILDAR,
MANNARKADU,
PALAKKAD

4. VILLAGE OFFICER,
ATTAPADY.

BY GOVERNMENT PLEADER SRI.K.B.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 25377 OF 2007

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Dated this the 24th September , 2007

J U D G M E N T

H.L. Dattu, C.J.:

The petitioner is an organisation of small agriculturists. They are before this court for a direction to remove the Anamooli check post situated in Anakatti-Mannarkkadu road in Palakkad district.

2. The erection of check post, for the purpose of evasion of sales tax under the Kerala General Sales Tax Act is permissible.

3. By this Writ Petition, the petitioner-organization requests us to go against the statutory provisions and then direct the respondents to remove the check post which is already erected. This Court, in exercise of its jurisdiction, cannot direct the authorities under the Kerala General Sales Tax Act, to act contrary to the provisions of the said Act.

In that view of the matter, we do not intend to entertain this Writ Petition. Accordingly, the Writ Petition requires to be rejected and it is rejected.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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